

Appl. No. 10/036,605
Amdt. dated March 5, 2009
Reply to Office Action of December 11, 2008

Remarks

The present amendment responds to the final Official Action dated December 11, 2008. Claims 1-32 were rejected under 35 U.S.C. 103(a) over newly cited Camin et al. U.S. Patent No. 7,379,912 (Camin) in view of Lent et al. U.S. Patent No. 6,795,912 (Lent). Claims 1, 11 and 14 have been amended to be more clear and distinct. Claims 1-32 are presently pending.

The Art Rejections

All of the art rejections are based on Camin taken in combination with Lent. As addressed in greater detail below Camin and Lent do not support the Official Action's reading of them and the rejections based thereupon should be reconsidered and withdrawn. Further, the Applicants do not acquiesce in the analysis of Cadigan and Lent made by the Official Action and respectfully traverse the Official Action's analysis underlying its rejections. In addition, the Applicants do not admit that Camin is in fact prior art.

As addressed beginning at page 1, lines 13-15, aspects of the present invention address improvements to methods and systems for submission and processing of mortgage insurance claims. As addressed at page 2, lines 2-9, in responding to such claims, time is of the essence.

As presently amended, it is noted that claim 1 addresses a central server computer for receiving inputs from, and providing outputs to, a servicer terminal connected into a network, the servicer terminal capturing data from a servicer initially submitting a mortgage insurance claim to an insurer, the data being related to an insured mortgage loan after default on the mortgage loan by a borrower, a claims database connected into the network, containing data relating to the mortgage insurance claim, and a claim audit rulebase connected into the network, for

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automatically performing an audit and adjustments of the submitted mortgage insurance claim, providing results of the audit and adjustments to the servicer at the servicer terminal, and presenting the servicer with an option to interact with a claim representative to resolve any issues. The claim audit rulebase includes rules directed to determine whether loss can be mitigated by acquisition by the insurer of a property subject to the insured mortgage loan.

These limitations in the claimed combination are not taught and are not made obvious by Camin. Camin addresses a "System and Method for Processing Loan Information" including mortgage loans, it does not address the initial submission of mortgage insurance claims as the claimed processing of those claims. While Camin does include:

a mortgage database 1010 for storing information associated with mortgages; a real estate owned (REO) management database 1020 for storing information associated with a mortgage that has been foreclosed and then owned by the financial institutions; a foreclosure expense database 1030 for storing information associated with a foreclosure; a payment database 1040 for storing payment information associated with real estate owned by a mortgagor or in foreclosure status; a loss mitigation database 1050 for storing information associated with mitigating losses from a potential foreclosure by negotiating or working out a reduction in the mortgagee's interest rate or mortgage payments; and other business databases 1060 as necessary to process financial data.

Moreover, the one or more sources of information 1010-1060 may include a legacy database application that resides on a mainframe; an external database that is maintained by an independent entity or organization, such as a independent corporation or department; and/or a client/server database supporting a specific business function such as mortgage processing or loan servicing.

The mortgage database 1010 may contain detailed information about one or more mortgages. For each of the one or more mortgages, the mortgage database 1010 may store a name for the mortgagee, an address for a mortgaged property, a mortgage amount corresponding to the original mortgage, a name for a mortgage servicer, a mortgage payment history, an interest rate, a principal amount, a remaining balance, and/or other detailed information associated with a mortgage.

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as described at col. 4, lines 55-col. 5, line 18, the above text makes clear that stored information may be stored in a variety of ways without teaching or suggesting the initial submission of a mortgage insurance through a network connected terminal as claimed by claim 1. Col. 8, lines 29-41 of Camin specifically address a mortgage insurance staging table 3140 and says it “may store information associated with a mortgage claim.” However, it will be noted that such information can be submitted by mail or fax and then entered by a data entry person rather than as claimed by claim 1. Further, Camin does not appear to process in the manner claimed by claim 1 and does not appear to teach that its process results are then provided “to the servicer at the service terminal” as claimed by claim 1. Similar arguments apply to the remaining independent claims.

More specifically, Camin’s discussion of his mortgage insurance trigger rules at col. 12, lines 5-30 does not meet the terms of the present claims. It is noteworthy in this regard that the assignee of Camin is the Federal Home Loan Mortgage Corporation and thus it is not surprising that Camin addresses systems and processes from the point of view of a purchaser and reseller of mortgages rather than a mortgage insurer or one servicing a loan and trying to file a mortgage insurance claim in the most expeditious manner possible.

Lent doesn’t cure Camin’s many deficiencies with respect to the present claims. In this respect, it is noted that Lent addresses “Implementing a Counter Offer for an On Line Credit Card Application” and is unrelated to mortgage insurance claims.

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The present invention, by contrast deals with mortgage insurance claims, the submission of claims and the data relating to the claims on insured mortgages after default by borrowers. See, for example, specification, p. 14, line 7-p. 17, line 7, which details examples for submission of data relating to a mortgage loan, such as identification of the loan and borrower, property securing the loan, and various expenses incurred as a result of default. In addition, the invention of claim 1 addresses the use of a rulebase, including rules directed to determine if loss can be mitigated by acquisition of a property by an insurer. See, for example, specification at p. 7, lines 3-9, which discusses the possibility that the servicer has title to the distressed property at the time a claim is submitted, in which case the rulebase determines whether there is a possibility for loss mitigation by acquisition of the property by the insurer. Camin does not teach and does not make obvious the initial submission or collection of any such data from the servicer, or the use of any rules relating to acquisition of a distressed property to automatically process such a claim to provide a response to the service.

With respect to claims 32, the Official Action suggests this claim is met by Camin at cols. 4, 5 and 11 et seq. The required details to meet the terms of this claim are clearly not included in the cited text.

With respect to claim 11, Camin does not address the submission of mortgage insurance claims from a servicer and automatically providing results to the servicer, as claimed, and meet the terms of this claim. Lent does not cure Camin's deficiencies. Claims 14, 24 and 27 are similarly not obvious from Camin and Lent.

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Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,

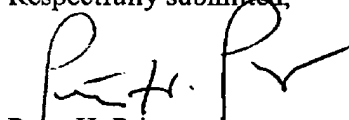
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